

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

In the matter of an Order to Show Cause issued to ) Docket No.: 16-CONS-4131-CSHO  
Summer Sun Gas L.L.C. ("Operator") regarding )  
responsibility under K.S.A. 55-179 for plugging the ) CONSERVATION DIVISION  
Brown #2 well in Chautauqua County, Kansas. )  
\_\_\_\_\_ ) License No.: 6880

**ORDER TO SHOW CAUSE, DESIGNATING A PREHEARING OFFICER,  
AND SETTING A PREHEARING CONFERENCE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION**

1. The Commission has jurisdiction to regulate oil and gas production in Kansas under K.S.A. 74-623, Chapter 55 of the Kansas Statutes Annotated, and the General Rules and Regulations for the Conservation of Crude Oil and Natural Gas, K.A.R. 82-3-100 *et seq.*
2. K.S.A. 55-162 provides the Commission with jurisdiction to institute proceedings to enforce the laws of Kansas and Commission rules, regulations, and orders.
3. Pursuant to K.S.A. 55-164, the Commission may assess monetary penalties to operators or contractors who are in violation of Chapter 55 of the Kansas Statutes Annotated, or any rule, regulation, or order of the Commission. The maximum monetary penalty is \$10,000, and each day of a continuing violation constitutes a separate violation.
4. K.S.A. 55-179 provides the Commission with jurisdiction to determine the persons legally responsible for the proper care and control of abandoned oil and gas wells.

5. K.S.A. 55-179(b) provides a person who is legally responsible for the care and control of an abandoned well shall include, but is not limited to, one or more of the following:

- a. Any operator of a waterflood or other pressure maintenance program deemed to be causing pollution or loss of usable water;
- b. the current or last operator of the lease upon which such well is located, irrespective of whether such operator plugged or abandoned such well;
- c. the original operator who plugged or abandoned such well; and
- d. any person who without authorization tampers with or removes surface equipment or downhole equipment from an abandoned well.

6. K.S.A. 55-180 gives the Commission a cause of action against the responsible parties listed in K.S.A. 55-179 for the reasonable plugging costs of abandoned wells.

## **II. FINDINGS OF FACT**

7. On June 24, 2016, Commission Staff moved the Commission to set this matter for hearing, alleging that the Operator is responsible for the Brown #2 well in Chautauqua County. Staff alleged in its motion that upon inspection the subject well is abandoned and unplugged, and it remains on the Operator's license, which expired in May 2003. Commission Staff alleges it has contacted the Operator to plug the well, but it remains unplugged.

8. No response to the motion was filed by Operator.

## **III. CONCLUSIONS OF LAW**

9. The Commission finds and concludes the operator in this docket should attend an evidentiary hearing to show cause why it is not responsible for the subject well or wells.

10. Pursuant to K.S.A. 77-551(c), the Commission finds and concludes that a Prehearing Officer should be designated in this proceeding to address any matters listed in

K.S.A. 77-517(b). The Commission also finds that an initial prehearing conference should be scheduled in this matter.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be John McCannon, Kansas Corporation Commission, 266 N. Main, Ste. 220, Wichita, Kansas 67202, telephone number 316-337-6200, email address [j.mccannon@kcc.ks.gov](mailto:j.mccannon@kcc.ks.gov).

B. A Prehearing Conference is scheduled for Tuesday, August 23, 2016. The Prehearing Conference shall begin at 1:30 p.m., and shall end by 2:00 p.m., at the Commission's offices, 266 N. Main, Ste. 220, Wichita, Kansas 67202. Telephonic attendance may be permitted by advance request. The Prehearing Conference will focus on the development of a procedural schedule for this docket.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act ("KAPA"). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding shall be held in default under the KAPA.

E. Pursuant to K.A.R. 82-1-228(d)(2), corporations must enter an appearance via an attorney. If a corporation fails to enter an appearance via an attorney prior to the Prehearing Conference, it shall be held in default under the KAPA.

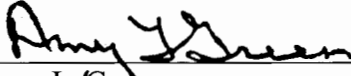
F. The attorney designated to appear on behalf of the agency in this proceeding is Jonathan R. Myers, Litigation Counsel, telephone number 316-337-6200, email address [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 02 2016

  
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Amy L. Green  
Secretary to the Commission

Mailed Date: August 2, 2016

LRP

**CERTIFICATE OF SERVICE**

I certify that on August 2, 2016, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Summer Sun Gas  
c/o Jon R. Viets  
P.O. Box 1176  
Independence, Kansas 67301  
*Attorney for Summer Sun Gas*

And delivered by email to:

Jon Myers  
KCC Litigation Counsel

/s/ Cynthia K. Maine  
Cynthia K. Maine  
Administrative Assistant  
Kansas Corporation Commission